

SENATOR SCOTT'S STATUS

The McGraw Protest Considered by the Senate Committee.

Arguments Made in Behalf of the Remonstrants—A Grave Constitutional Question Alleged to Be Involved—C. J. Faulkner Maintains the Regularity of the Election.

The Committee on Privileges and Elections of the Senate heard argument of counsel yesterday in the case of John T. McGraw and members of the Legislature of West Virginia against Senator Nathan B. Scott, of that State. The remonstrants were represented by Judge Holt, of West Virginia; Henry N. Russell, Frank L. Welles, Claude N. Bennett, and J. C. Welles. Senator Scott was represented by former Senator Charles J. Faulkner of West Virginia. The day was consumed in the hearing, and at 4 o'clock the committee went into executive session. The members will be furnished with a statement of what the remonstrants desire to prove. Upon this the committee will determine whether it will go into the questions of fact and law, testimony, and whether it will determine the case by passing only on the law points involved, the opposing counsel being agreed on many of the facts.

The opening argument was made by Judge Holt. The first contention was that Senator Scott did not receive a majority of the votes of the joint assembly of West Virginia. He said that the record shows upon its face that the Legislature of West Virginia consisted of ninety-seven members, and that Senator Scott received but forty-eight votes. He held that two of the votes cast for Senator Scott were of State senators who had vacated their offices by accepting military commissions in the Volunteer Army of the United States.

The point dwelt on by counsel was that the acceptance by Messrs. Gatzertanner and Pearson of offices of emolument under the Government of the United States vacated their offices as State senators. Counsel cited a number of authorities to sustain this point, quoting at some length from the report of the Committee on the Judiciary of the House of Representatives in the case of Gen. Joseph Wheeler of Alabama.

During a recess of the legislature, Gatzertanner and Pearson resigned their military commissions and re-entered the State senate. There having been two vacancies created by the gentlemen upon their acceptance of military commissions, these men could not again fill those vacancies simply by their individual acts. The Legislature of West Virginia voted that Gatzertanner and Pearson were entitled to their seats, but that decision, said counsel, was not final, as a constitutional question was involved. The Senate of the United States was asked to construe the constitution of West Virginia, and to determine the qualification and returns of its own members. Counsel brought forward numerous authorities to sustain the contention that the Senate of the United States could go behind the returns of a State legislature.

Judge Holt said: "There is no question whatever that the United States Senate must be elected by the State legislatures. The joint assembly in the legislature. The language of the act of 1866 in requiring a majority of the votes of the joint assembly must be construed to require a majority of the legislature." The act does not say or mean a majority of votes cast, but a majority of the legislature. "It is the universal rule of law applying to all bodies composed of a definite number, formed for the purpose of doing a definite thing, that a majority of the whole is required, although a majority, where notice is given to all, may transact business by a vote which represents the entire body. The common-law rule in such cases was that in such a body all members were actually present, and in a number of English cases it was held that the absence of the mayor or a single member of a city council invalidated the election of a mayor. An integral part of the body was absent. The later and better rule is that those absent must be considered in determining the question of majority, but that a majority of the body can meet for the transaction of business."

Judge Holt entered upon a discussion of the contention of the remonstrants that the election of Senator Scott was void on the ground that the joint convention was held under a fraudulent private agreement and not under the statute. He was followed by Frank L. Welles, who maintained that Senator Scott at the time of his election as a United States Senator was not an inhabitant of the State in which he was elected, as required under the Federal Constitution. He said that the word "inhabitant" is used in the Constitution in substance that for a great many purposes the terms "inhabitant" and "resident" are synonymous. He said that the word "inhabitant," as used in the Constitution, at the time of his election, Senator Scott was holding a Federal appointive office at Washington, and that he was not a person residing in Maryland holding an appointive office in an inhabitant of the State from which he came, said Mr. Welles. "All the authorities hold that a person who holds an appointive office in one State and resides in another is not an inhabitant of the State in which he holds the office."

"There is no authority which holds that a person residing in Maryland holding an appointive office in an inhabitant of the State from which he came," said Mr. Welles. "All the authorities hold that a person who holds an appointive office in one State and resides in another is not an inhabitant of the State in which he holds the office."

"The office of Commissioner of Internal Revenue has no definite term, and the occupant of that office, when absent from his State for an indefinite period, loses his inhabitancy."

At the afternoon session of the committee former Senator Charles J. Faulkner presented the case for Senator Scott. He maintained that the joint assembly met regularly, that 48 votes were cast for Nathan B. Scott, 46 for John T. McGraw, and 1 for Judge Holt. Mr. Faulkner proceeded to discuss the question whether Senator Scott at the time of his election as a United States Senator was an inhabitant of West Virginia. He said that he had called upon him and told him to pass the point by. Senator Burrows also said, "Yes, you need not discuss that." This was taken to indicate that the Senators thought the point made by the remonstrants against Senator Scott was not worthy of further consideration.

Passing to the question of the final right of the legislature of a State to construe the constitution of that State, so that the bill, with some slight amendments, will be reported to the House this week.

WOULD COST \$50,000,000.

The Effect of the Passage of the Allen Pension Resolution.

The Commissioner of Pensions has submitted to Senator Allen an estimate showing an appropriation of about \$50,000,000 would be required to carry out the provisions of the Allen bill, granting a pension to all honorably discharged soldiers and sailors of the late civil war.

The bill proposes to grant a pension of \$10 per month to all unpaid soldiers and sailors who served in the army or navy of the United States for a period of three months or more, and were honorably discharged therefrom, and the same amount to all soldiers who served for three months and who are now drawing a pension of less than \$10 a month, the latter sum being in lieu of any pension now drawn by them.

It is estimated that of the 742,243 invalid pensioners on the roll about 720,000 were in the civil war. There are in all 1,622,418 survivors of the civil war, excluding deserters. At the present time about 512,000 survivors of the civil war are pensioned. Under the operation of the Allen bill it will require \$37,000,000 annually to pay these. It is estimated that the 200,000 survivors, who are now drawing pensions at rates less than \$10 per month, would receive, in addition to what they now receive, over \$12,000,000 a year, making in all an increase of \$50,000,000 a year in the pension appropriation under this bill.

In response to an inquiry from Senator Gallinger, Commissioner Evans has sent to him a statement giving the number of pensioners borne on the rolls of the office on account of each of the wars of the United States, and giving a brief review of the law under which they were granted. The statement as to the number of pensioners is as follows:

On account of the Revolutionary War, four widows and seven daughters.
Mexican war: One survivor and 1,308 widows.
Indian wars, 1832 to 1842: 1,556 survivors and 3,885 widows.

Granted since 1861 under general law: 221,545 invalid and 92,501 widows and other dependents, under law of 1860—invalids, 428,912; widows and dependents, 130,228.

A COURT OF APPEALS PROPOSED.

The Final Hearing in Pension Cases to Be Had Before Judges.

Within the next few days a bill will be introduced in Congress to provide for the establishment of a court of pension appeals which shall take the place of the board of appeals now serving in the office of the Secretary of the Interior for reviewing the pension cases.

The bill is to take the place of the proposed commission for codifying the pension laws, and will have the full sanction of the Pension Committee and of General Sherman, the Commander-in-Chief of the Grand Army of the Republic.

The bill will provide that the new court of appeals shall have jurisdiction of all pension cases which are appealed from the Commissioner of Pensions. It is to have the authority of a regular court of law, and will probably consist of three judges. They will hear all appeals and will permit both sides to be represented. The bill will provide for appeal from the court of appeals to the higher courts of the country only on the certification of the court.

The present board of appeals in the Interior Department consists of clerks of the department who are well posted in pension matters. There is no serious objection to this board as it now stands except that it does not possess the required legal authority and is not made up of eminent jurists. It is also felt by the committee that Congress passes the amendment to pension laws not desired the laws themselves will be sufficiently clear and explicit, and will only need a proper court to define them.

IN THE HOUSE.

Eloquent Eulogies Pronounced on the Late Representative Baird.

The House was in session yesterday during one hour and twenty minutes. When the Journal had been read, Mr. Curtis of Kansas asked unanimous consent for the consideration of a joint resolution, setting apart \$260,000 of the appropriation for the support of the regular and volunteer army for the current year, to be used in the construction of a military hospital at Fort Leavenworth, Kan. He made an explanation of the joint resolution, the passage of which was necessary, he said, to carry out the original intention of Congress. As there was a disposition to debate the question he withdrew the joint resolution, with the understanding that he would call it up on Monday.

The House then proceeded under a special order, with Mr. Robertson of Louisiana in the chair, to pay tribute to the memory of the late Representative Baird of Louisiana. Eulogies were delivered by Messrs. Russell, of Georgia, McKesson of Ohio, Meyer of Louisiana, Clayton of Ohio, and Hays of Texas.

At the conclusion of the address, as a further mark of respect, the House, at 1:29 p. m., adjourned until Monday.

THE M STREET EXTENSION.

A Bill Introduced in the House by Representative Mudd.

Quite a number of street extension bills have been introduced in the House this session. The last one on this subject was introduced by Mr. Mudd. It extends M Street, with a width of ninety feet, from the Bladensburg Road to a point 750 feet west of the southeast boundary of the Benning race course grounds, thence to the southeast corner of the intersection of the fourth action plan of permanent system of highways, to G Street, produced from addition to Kenilworth; thence to the Anacostia Road, provided 75 per cent of the land is donated within thirty days to the District of Columbia.

The bill provides for the usual method of condemning the land, which is to be paid for out of the revenues of the District.

Mr. Cannon Again Chosen.

The Illinois delegation in Congress met in caucus yesterday afternoon and named Representative Cannon for membership on the Republican Congressional Campaign Committee. Mr. Cannon has held the position for the past two terms.

Arrangements of Taxes in the District.

A bill has been introduced in the House by Mr. Pearce, fixing the rate of interest to be collected from persons owing arrears of general taxes. The proposed rate relates to arrears prior to July 1, 1898, now due, and the liens for which are held by the District of Columbia. The rate of interest is fixed at 6 per cent per annum, in lieu of the rate and penalties now fixed by law, together with all accrued costs. The act is to apply only to taxes paid on or before the 1st of January, 1901.

The Lake Borgne Outfit.

Chairman Bartholdi, of the House Committee on Levees and Improvements of the Mississippi River has called a meeting of the committee for next Monday morning at 11 o'clock for the purpose of hearing James Sedon Cowden explain his plaster model of Lake Borgne outlet, in relation to the proposed Lake Borgne outlet.

A Boy Shot to Death.

MIDDLEBOROUGH, Ky., Jan. 27.—Sam Jones and Henry Maggard engaged in a row at a still house on the Poor Fork of Cumberland River today. They drew their pistols, when Joe Maggard, the twelve-year-old son of Henry Maggard, rushed between them. Jones' pistol went off, the ball going through the boy's heart, killing him instantly. Jones immediately surrendered to the authorities. He claims the shooting was accidental.

ROBERTS GOING TO LAH

He Proposes to Test the Legality of His Exclusion.

The Case to Be Carried to the United States Supreme Court—A Remonstrant That Thomas B. Reed Will Be Plaintiff's Counsel—The Mormon Talks of His Future and Politics.

Brigham H. Roberts stated last night that he would take the matter of his exclusion from membership in the House of Representatives to the Supreme Court of the United States in some form yet to be determined, as the right of a sovereign State to representation in Congress was involved in his rejection.

Mr. Roberts said he had not determined upon the selection of a lawyer to handle his case, but when the name of Thomas B. Reed was suggested to him as having been selected, he refused to affirm or deny that the former Speaker of the House had been consulted in the case.

He said that he was not prepared to make an extended statement with regard to the recent action of the House of Representatives in excluding him from membership in that body. He said he would remain in Washington for a week longer and then return to his home.

"There is but one course for the Governor of Utah to pursue," said Mr. Roberts. "It is desired that the vacant seat be occupied by a representative of the district to which it is allotted, a new election is necessary, and I shall certainly endeavor myself in the work of the coming campaign. I shall do my best to send a Democrat here, and I think it can be done. He will not be disqualified by the House as I was, and we will fill that seat by a man competent to care for the interests of the State of Utah."

REORGANIZING THE SERVICE.

The Weather Bureau Bill to Be Reported Favorably.

One of the most interesting bills that will shortly come up in the House is the measure reported by Mr. Wadsworth from the Committee on Agriculture, which provides for a reorganization of the United States Weather Bureau. One of the features of the bill which has attracted attention is the granting of authority to the employees of the bureau to create, exclusively from their own means, a fund for the retirement of disabled and aged officials, this to be accomplished without one dollar of expense to the Federal Government, and in such a way that at no time in the future can the Federal Government be called on to contribute in any manner to the fund.

The report contains the salient features of the proposed law. It may be said that it apportions appointments among Senators, Representatives, and Delegates, without regard to their political affiliations, in a give-and-take manner, not on the principle of taking all and giving nothing.

The Japanese Minister said he was pleased to welcome in the efforts of the Japanese themselves, the addition of American energy and skill for the work still to be done and the industrial improvement still to be made. He pointed out that in the President's message and in all the acts of Congress, as well as in the business world, such hearty good will had been shown toward Japan, and insisted that the new American industries be more welcome than in the country.

Mr. Denby and Mr. Barrett both urged the necessity of increasing our Far Eastern trade, and spoke of the usefulness of our Philippine possessions to that end.

CENSURED BY STUDENTS.

The President of the University of Cincinnati Resigned.

CINCINNATI, Jan. 27.—The attitude of the students of the University of Cincinnati upon the demand of President Ayres for the resignation of the entire faculty, has been aggravated by the voluntary resignation of Prof. P. N. V. Meyers, followed by similar action on the part of Prof. E. M. Brown, of the chair of English literature. Two meetings have been held in the university building, one composed of sympathizers with the outgoing professors and the other largely of friends of President Ayres. Pandemonium reigned at both meetings. Miss Amelia Hickenlooper, the daughter of Gen. A. Hickenlooper, was chairman of the anti-Ayres group. The purpose of the meeting was to pass resolutions of sympathy with Prof. Meyers in his resignation and strictures on President Ayres. When the resolution was proposed it was followed by a motion to adjourn which was lost by a close vote.

The plan of consolidating all the mills named is looked upon with favor. It is pointed out that the joint holdings of ore lands of these mills would maintain them for many years. If the combination is effected, it will be necessary to build a new steel plant at Canal Dover for the manufacture of steel billets. With the combined mills could take the ore, convert it into iron, then into steel and then into the finished product.

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PHILIP D. ARMOUR, JR., DEAD.

The Millionaire's Son Expires at Santa Barbara, Cal.

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Warned of His Brother's Death.

Chicago, Jan. 27.—Fred Ross Pratt, attorney, and one of the well-known Pratt twins, died at Manila a few days ago, and instinctive knowledge of his death passed quicker than the cable's message to the mind of Frank Jay Pratt, the surviving brother. Yesterday a cablegram arrived confirming the premonition.

KIDNEY TROUBLE.

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CHINA NEEDS OUR GOODS.

Minister Wu Ting Fang Invites Trade to His Country.

NEW YORK, Jan. 27.—The second annual dinner of the American Asiatic Association, an organization of merchants in the Oriental trade, took place at Delmonico's last night. Among the guests were Jutaro Komura, the Japanese Minister; Wu Ting Fang, the Chinese Minister; Charles Denby, former Minister to China; John Barrett, former Minister to Siam; and Senator John L. McLaughlin, of South Carolina.

Wu Ting Fang, the Chinese Minister, was applauded when he arose to speak. He said in part:

"I am here to protect the interests of my country and my countrymen, but in no doing nothing would make me want to hurt you or your country. My one object in life is to cement and draw closer the happy relations now existing between our respective countries."

"We all know that China is one of the greatest markets of the world, with a population of 400,000,000, who must be fed and clothed and receive the necessities of life. She wants your wheat, your cotton, your iron and steel, and your manufactured articles of the New England States. She wants steel rail, electrical machines and one hundred other things that she cannot get at home and must get abroad. It is a fine field for American industry to fill these wants. It is particularly easy for you to reach China on account of the fine highway you have on the Pacific, and especially desirable that you do so since you have become our next-door neighbor in the Philippines. If you do not come up to your own expectations and meet this opportunity it is your own fault."

"Although China wants these things America will have to go to China to sell them. Americans must study the requirements and wants of the Chinese. It won't do for you to dump your surplus goods on them, because they won't take them. You must exhibit your goods, because Chinese will not buy on trust, as they are going to pay their money for."

"Here is another hint. Be more civil to them. Remember they have been brought up in a different way from you, and that in many questions their etiquette differs from that prevalent in Wall Street. Let there be no more browbeating such as has been going on for many years. Civility goes a long way. Deal fairly with them. This is no insinuation that you cheat, but don't try to be too sharp. The Chinese have always believed that verbal contracts are binding. They have had shocking experiences with Americans who held that nothing but a written contract was binding. That question should be looked into."

"Above all things else, let me warn you to be careful how you treat your new subjects in the Philippines. I feel it my duty to warn you as a friend of the United States, who fears that his efforts on your behalf may be frustrated. If any unfair advantage is taken of the Filipinos, I know that such actions would cause a general mistrust in all China and ruin all prospects for trade there. You must treat them in a give-and-take manner, not on the principle of taking all and giving nothing."

The Japanese Minister said he was pleased to welcome in the efforts of the Japanese themselves, the addition of American energy and skill for the work still to be done and the industrial improvement still to be made. He pointed out that in the President's message and in all the acts of Congress, as well as in the business world, such hearty good will had been shown toward Japan, and insisted that the new American industries be more welcome than in the country.

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Here's a Startler for Shoe Buyers

Tomorrow morning we begin the most gigantic sacrifice of Ladies' and Men's Fine Footwear ever known in this city! Stock-taking has brought to light many odd lots and broken lines in every grade of our stock. Tomorrow these shoes will be placed on bargain tables, in the front of our store, and sold for less money than any manufacturer can MAKE them for—at the present advanced price of leather. If below-cost prices are any temptation—tomorrow will be the busiest day this big store has ever known!

500 pairs Men's First Quality Rubbers—the standard 75c grades—mostly large sizes—a whirlwind of selling while they last—your choice for.....	25c PAIR.	550 pairs Ladies' First Quality Rubbers—all sizes complete—the regular 50c kind—choice tomorrow at the unheard-of price of.....	19c PAIR.
Bargain Table No. 1. Ladies' Fine Dongola Laced and Button Shoes—new coin toe—patent leather tips—all sizes—our regular \$1.50 and \$2 quality—choice tomorrow.....	85c PAIR.	Bargain Table No. 2. A grand assortment of broken sizes in Ladies' Button and Laced Shoes—worth from \$2.00 to \$3.00—your choice tomorrow for.....	\$1.25 PAIR.
Bargain Table No. 3. Ladies' Finest Vici Kid Shoes, in button and laced—hand sewed—all the new shapes—all sizes and widths, from "A" to "E"—regular \$3 quality, for.....	\$1.98 PAIR.	Bargain Table No. 4. Odds and ends of broken sizes in Men's Shoes—qualities that sell regularly for two and three dollars—choice, while they last.....	\$1.00 PAIR.
Ladies' 10 and 12-inch Black and Tan Bicycle Boots—all sizes—latest styles and shapes—not a pair worth less than \$3—and from that to \$5—choice tomorrow.....	\$1.98 PAIR.	Men's Winter Runners—canal and box calf shoes—all sizes and shapes—our regular \$2.50, \$3, and \$5 qualities—special tomorrow and while they last.....	\$2.69 PAIR.

Babies' 50c Soft-Sole Shoes, Button and Laced, All Sizes, 19c.

FAMILY SHOE STORE,

310-312 Seventh Street.

AUCTION SALES.

SPECIAL AUCTION ANNOUNCEMENT.

ESTATE OF THE LATE

C. WERNICKE,

W. O. B. CLIFFORD, Executor.

RECEIVED FROM THE ESTATE OF THE LATE

THE ENORMOUS AND EXCEEDINGLY VALUABLE STOCK OF

Both Stores, 314 5th Ave. & 8 W. 33d St.

APPROPRIATE VALUATION, \$2,000,000.

Admittedly Acknowledged, Both in Europe and America, as the Most

Extensive, Unique, and Representative

Collection of

SHEPHERD PLATE

Invaluable, the most complete ever shown, and includes the celebrated Black Jack silver mounted

Bidding at

OLIVER CROMWELL.

The Royal State Couch of the Mad King Ludwig II. of Bavaria.

A Most Superb FIRST EMPIRE TABLE SET, made for Napoleon I. by Thibaut.

A Magnificent Carved English Oak Hall Chair, 14th century.

A Most Beautiful and Valuable

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